



MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 12, 1974
1:00 P.M.

Electric Building
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love, Mayor Butler
Absent: None

The Invocation was delivered by RABBI JUDAH LEON FISH, Congregation Agudas Achim.

PTA MEMBERSHIP WEEKS

Mayor Butler read and then presented a proclamation to Mrs. Gordon Dickey, President of City Council PTA, and Mrs. Herman Forbes proclaiming the weeks of September 16-30, 1974, as "PTA Membership Weeks" and urged all parents to cooperate with local schools and the Parent Teacher Associations of Austin in the promotion of better understanding and cooperation.

APPROVAL MINUTES

Councilman Dryden moved the Council approve the Special Meeting Minutes of September 3, 1974, and the Regular Meeting Minutes of September 5, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Handcox, Lebermann
Noes: None

HEARING ON REQUESTED GAS RATE INCREASE

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on the consideration of Southern Union Gas Company's requested rate increase. Mr. Don Butler, City Attorney, stated that MR. GEORGE F. HESS, member of the firm of Hess & Lim, Inc., had prepared a report, which was before the Council, in connection with this requested increase.

Mr. Hess noted that they had reviewed the application and the schedules accompanying it, their testimony, and their workpapers. In order for the Council to have some proper perspective of the magnitude of the increase, Mr. Hess reviewed a chart showing the total revenues and how they were divided between purchased gas expense and other operating expenses. He noted that the increase that had been requested was 13.73% of the current level of revenue; but he pointed out that as gas customers were aware, the current level of revenue already had increased by about 70% to pass along the purchased gas clause. He added that revenues were to cover purchased gas plus other costs (operation and maintenance expenses, depreciation, taxes, and return). He concluded that the increase would amount to 35.9%.

In response to Mr. Butler's request that he explain the rate base and how he had arrived at the proper rate base, Mr. Hess stated that it required consideration of a number of factors; and the most important were:

1. Original cost of the property less depreciation.
Southern Union gave this 60% weight.
2. Reproduction cost new less allowance for age and condition.
They gave this 40% weight.

He added that there was an allowance for working capital requirements and was reduced by customer-provided contributions in aid of construction and deferred taxes.

Mr. Butler asked that Mr. Hess explain the difference between his rate base and that which had been proposed by Southern Union. Mr. Hess indicated that the Company used a year-end rate base with adjustments to revenues and expenses, and he uses a 1973 test year matched to the average rate base for the year. He noted that the depreciation deducted from reproduction cost was assumed by the Company to be conservative because it was 15% for physical depreciation, but on the other hand they were asking \$760,000 per year in annual depreciation expense. He added that the property on a trended cost basis was about 16.4 years old, and the adjustment should have been something in excess of the amount stated (7,662,331).

In response to Councilman Friedman's question as to whether or not Mr. Hess had had an opportunity to compare the figures presented now with those that had been presented by the Company in 1971 to determine if the Company was using the same type of method in determining their cost factors, Mr. Butler stated that the Company's position was about the same. Mr. Hess commented that if the Company used the same procedure on the last case, there was no doubt in his mind that the figures were inflated.

Mr. Hess added that another large difference was that in terms of customer-contributed capital that the Company was willing to deduct was only equal to the working capital. He had deducted the full amount of the deferred income taxes.

Mr. Hess reviewed a chart showing the comparison between revenues and expenses, noting that there were some plus and minus adjustments and that one of the differences stemmed from the fact that he used average rate base for 1973 and that the Company used year end. He added that there was a difference of opinion on the normalization of revenues for weather. He pointed out that he had rejected the allowance for ammortization of unrecovered gas costs because it depicted retroactive rate making. He also pointed out that as one of Southern Union's witnesses had stated at their previous appearance before the Council in connection with this request, Southern Union was supposed to be given an opportunity to earn a fair rate of return, not a guarantee. It was his understanding that at the time of the last rate case they had agreed to a moratorium on rates until 1974, and it was only because the Council had allowed them to attempt to recover a portion of the purchased gas increase that any kind of a purchased gas adjustment clause was put into the agreement. He did not believe that a violation of the moratorium was proper and felt that they had little complaint.

Mr. Hess stated that for the purpose of their study, they had used a 7½% rate of return, which was a composite of various types of capital. In response to Mr. Butler's question, Mr. Hess indicated that the standard for the return to equity in Texas, according to the "Alvin Case" (Railroad Commission of Texas, et al, versus Houston Natural Gas Corporation), which he understood the utility lawyers in Texas considered to be the gospel, should be "the lowest composite percentage rate of return which will induce the investment of adequate capital." He concluded that the rate of return on equity turned out to be 12.879%. He pointed out that he had checked with what other state commissions have been allowing in recent months and found that the typical return on equity was in the 12 to 12½% range.

In response to Mr. Butler's request that Mr. Hess compare the 12.879% to that being requested by Southern Union, Mr. Hess stated that Southern Union's request would produce a return on equity of 22.433%, which was after the payment of all income taxes. He considered this an unconscionable return on equity.

Mr. Hess pointed out that multiplying the rate of return and the fair value previously determined would produce a net operating income of \$1,670,391. He added that it had been determined that on the basis of present rates, they were earning \$1,416,221, which was a deficiency in net income of \$254,170. After making allowance for incomr taxes and revenue taxes, he stated that the rate increase would be \$509,134.

In summary, Mr. Hess compared his position with that of Southern Union's by noting that the Company's calculation of revenue deficiency was \$2,357,698; and his recommendation was that the Council set rates that would allow them to recover an additional \$509,134.

In conclusion, Mr. Hess stated that it was their recommendation to spread the increase of \$509,134 across the board percentagewise to all customers, including the University of Texas, and add back the 60¢ cost of gas and tax implications of that and the unaccounted for. He stipulated that they were opposed to the purchased gas adjustment which Southern Union had presented because they did not think it was administratively feasible for the City to check the

forecasts every 6 months. He further indicated that they were opposed to their proposal in that it would allow them to automatically pass on cost of all new sources of supply. He felt that if it were necessary for them to augment their supply, they should do so and come back to the Council and show that they were prudent in what they did and that the costs represented something the consumers should pick up.

With respect to Southern Union's complaints concerning the existing purchased gas adjustment clause, he felt that there were two that were valid:

1. Length of the lag. He suggested that this could be shortened because costs of gas purchased from LoVaca would be known, so that the lag could be shortened by a month.
2. Did not take into account unaccounted for gas. He suggested that this could be incorporated in the P.G.A.C.

Mr. Butler pointed that an ordinance had been written which would take care of these particular items.

Mr. Butler further indicated that Mr. Hess had not made any adjustments for advertising nor any reduction for rate case expenses.

MR. FRANK DENIUS, representing Southern Union, noted that they only had one witness to speak and requested one week's time to submit a reply to Mr. Hess' report.

MR. WILLIAM W. EYERS, Director of Regulatory services at Commonwealth Services, Inc., Washington, D.C., noted that it was apparent that there were many items that would require much study on their part before they would be able to respond properly. He stated that it was clear that the increase in revenue that the consultants recommended and would permit was not sufficient to produce a fair, just, and reasonable rate of return.

In response to Mr. Butler's suggestion, it was determined that this would be continued until October 10, 1974, at 1:00 p.m.

MS. HELENA HARDCASTLE, public accountant and real estate broker, felt that Mr. Hess' report was excellent but also felt that he had been overly considerate of Southern Union. She suggested that a 10% rate of return would be more than adequate.

MS. EDITH BUSS, representing Travis County Travis County Women's Democrats, pointed out that Southern Union charged 1/9 of the net bill added on as a late penalty payment and that of the 32 cities served by Southern Union, only Austin and Galveston had this charge added to the bills; 7 other cities had a much smaller late fee; 23 cities had no late penalty at all. She felt that it was time for the Council to question this charge. As to whether or not this encouraged prompt payment, she noted that a comparison study was done by the National Association of Regulatory Utility Commissioners about 2 years ago; and they found there was no difference between utilities that charged the penalty and those that did not. She suggested that the only justification for this high charge could be to secure greater revenues and that it did so in a very discriminatory fashion.

She added that the afore-mentioned study determined that many customers were not able to pay their bills without incurring a late charge when the payment period was as short as that used by Austin utilities. She further added that Southern Union had the discretion of disconnecting service if a customer was in arrears for as little as \$8.00.

She felt that this was a monopoly and that their only recourse was to turn the Council because it had the authority to regulate the Company. She made the following recommendations:

1. Council follow the guidelines established by the Washington, D.C., Service Commission where the Potomac Electric Power Company had been charging a 5% interest and were ordered to reduce that to 1% for the first month and 1½% for each subsequent month. They also required a 20-day grace period after billing before any interest charge was imposed.
2. Council require Southern Union to state the effective annual interest rate on the customer's bill. She also felt that the Company should give full information on the bill concerning all charges.

Councilman Lebermann requested that Ms. Buss submit copies of their recommendations to the Council. Mayor Butler indicated that these would be taken into consideration as well as adjustments on the electric bills.

ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled for 1:00 p.m. for public hearing at this time.

VELMA KELLER
By Helen R. Hall
C14-74-100

1501 Newning Avenue

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

MS. HELEN R. HALL, representing the applicant, reviewed this by stating that this had been approved by the staff; but after protests based on requests by residents for a rollback, the zoning was denied. She reviewed a map and pointed out that this was situated in the center of 184 feet of frontage on Newning and part of 51,740 feet of land already zoned "B". She suggested that this area was not and had not been for the past 14 years a single-family residential area. It had been noted that a valid petition had been filed containing 52% in opposition. In reference to this, Ms. Hall felt that some of the signees were not in a position to sign in that they had been operating businesses in their homes or were using them for rent houses.

She reviewed the plans for this, noting that there would be 18 apartments on about 24,000 square feet with 22 off-street parking spaces.

She felt that the request for rollback should not be a factor in the Council's decision.

MR. WAYNE GRONQUIST, representing Mrs. Volna Lee Daum (1505 Newning Avenue), based his client's opposition to this on the following:

1. Very few building permits presently being issued for apartment houses. He suggested that Ms. Keller resubmit her application for a zoning change next year.

It was pointed out the only reason that few permits were being issued was because there were very few applications. Therefore, Mr. Gronquist withdrew this statement.

2. This would be spot zoning in that he felt this was a residential community; and within the 200-foot radius of the proposed property, there were only houses except for a fourplex.
3. Neighborhood does not want any more apartments. He pointed out that over 40 people had requested a rollback on their property, which he felt proved their intention of retaining the character of the neighborhood.

MRS. STUART HARRIS, 1410 Newning Avenue, felt that 3 homes in immediate area were priceless relics. She noted that this proposed project would be in the backyards of some of the homes. She also felt that this would promote traffic, which was already a problem.

DR. MICHAEL PROFFIT, 1509 Newning Avenue, noted that he had taken a poll of the residents within 200 feet of this; and of the 12 single-family dwellings occupied by the owners or relatives of the owners, 11 were against this rezoning. He requested that this be rejected to promote the residential neighborhood from unnecessary and unwanted commercial development.

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY the zoning change "B" Residence. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilman Binder

Noes: None

Abstain: Councilman Friedman

The Mayor announced that the zoning change had been denied.

URBAN RENEWAL AGENCY
By Paul D. Jones
C14-74-084

2900-2910 Glen Oaks Drive From "A" Residence
(Conway Street) To "B" Residence
900-1006 Neal Street NOT Recommended by the
3001-3005 Hargrave Street Planning Commission
1001-1011 Pleasant Valley Road

AND

HEARING ON AMENDMENT TO GLEN OAKS URBAN RENEWAL PLAN

MR. LEON M. LURIE, Urban Renewal, noted that the subject tract was almost in the middle of the Glen Oaks Urban Renewal Project and, therefore, requested that the item scheduled for public hearing at 1:00 p.m. on the amendment to the Glen Oaks Urban Renewal Plan be considered at this time. Mr. Lurie reviewed this time. Mr. Lurie reviewed this by stating that the original use for the property had been for the purpose of expanding old Anderson High School; and after the school closed, the property was offered to Austin Community College. He pointed out that they also attempted to develop the property as residential. He noted that they had advertised this parcel on numerous occasions but had not been able to interest any developer in this particular piece of land in this area in that it was subject to flooding at times. He indicated that their plans were for a nursing home with 100 beds.

He mentioned that there had been opposition in connection with traffic in that the Community College was charging 25¢ for a parking fee, which encouraged parking on the residential streets. Upon the recommendation of the Planning Commission, he pointed out that they got in touch with the School Board; and there was no longer a parking fee, but this had not alleviated the problem because of the proximity of the lot to the front door of the school.

He suggested that the nursing home would employ approximately 45 employees and would generate \$13,000 in income to the people working there; in the way of taxes, this would generate some \$5,000 to \$5,500 to the City. He noted that there would be a bid on this, and that was the reason for the zoning change.

In response to Mayor Butler's question, Mr. Lurie stated that they had written assurances that there would be bidders on this, provided the zoning were changed. Councilman Handcox felt that they were forcing usage on the land without considering the feelings of the people. Mr. Lurie mentioned that a restrictive covenant would be placed on this so that in the event the use were to change, the zoning would revert back to "A" Residence. Mr. Lurie indicated that they wanted to see the area remain primarily single family.

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY this zoning change and also DENY the amendment to the Glen Oaks Urban Renewal Plan. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilman Binder
Noes: None

The Mayor announced that the zoning change had been DENIED and that the amendment to the Glen Oaks Urban Renewal Plan had also been DENIED.

HEARING ON AMENDMENT TO BRACKENRIDGE URBAN RENEWAL PLAN

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on an amendment to the Brackenridge Urban Renewal Plan. Mr. Leon M. Lurie reviewed this, noting that the amendment was to delete the 25-foot building setback requirement on the tract located at the southeast corner of Red River Street and 12th Street, which the Planning Commission unanimously recommended. He further noted that an architectural firm would be constructing a building at this location, and it would be impossible to utilize this site without this amendment.

There was discussion with regard to whether or not this amendment would be from 25 to 10 feet or 10 feet from the property line and another 10 feet from the curb, making it 0 feet. Mr. Dick Lillie, Planning Department Director, announced that the Planning Commission's recommendation had been to approve the reduction from 25 to 0 feet and subject to compliance with the site plan that had been submitted and on file in the Planning Department. He pointed out that the Department had recommended from 25 to 10 feet in conformance with existing zoning in the area.

Councilman Dryden moved the Council approve the recommendation of the Planning Commission by adopting a resolution amending the Brackenridge Urban Renewal Plan. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

CONTINUED HEARING ON PROPOSED 1974-75 OPERATING BUDGET

Mayor Butler opened the continued hearing scheduled for 1:00 p.m. on consideration of the proposed 1974-75 Operating Budget. Mr. Dan Davidson, City Manager, took this opportunity to announce that the work of the Board of Equilization had been completed this morning and had filed the tax roll the Council would be asked to approve at the time the budget will be adopted. Mr. Jack Klitgaard, Tax Assessor and Collector, reiterated that the Board had completed the 1974 tax rolls for Austin and the Austin Independent School District. He noted that they had scheduled a total of 1,195 property appeals, of which approximately 200 either cancelled or did not show up; and they had been anticipating from 3,000 to 4,000 based on previous experience. In response to Mayor Butler's question, Mr. Klitgaard stated that they had sustained property values on 688

properties and had adjusted 110 properties. He announced that the Board had certified a tax roll for Austin of \$1,885,975,830 and had adjourned, subject to call by the Council to render whatever assistance required.

Mr. Homer Reed, Deputy City Manager, noted that the revised tax base that had been certified was \$110,975,800 in excess of the amount that was anticipated when the proposed budget was prepared and on which calculations have been made to date. He pointed out that this additional tax base at the tax rate of \$1.27 gross for both the General Fund and Debt Service Fund would yield additional income over the amount anticipated in the proposed budget of \$1,338,923 and calculated at 95% collection, which was the figure used in preparing the budget. He added that 1¢ of the tax rate at the new valuations would yield \$179,169; and by dividing those two, additional income to be received as a result of this larger tax base would equal 7.50¢ on the tax rate. He indicated that this would be 5.5¢ to the General Fund share (\$985,000) and 2¢ to the Debt Service Fund share.

Realizing that the Council was considering the tax rate as a part of the budget, he noted that the staff had undertaken a process of projecting what the City would expect to have remaining in the General Fund at the end of the next fiscal year and then projecting that into the budget for 1975-76. He distributed copies of the analysis.

	Proposed General Fund Budget	1974-75 With 5.5 Cut	1975-76 With 5.5 Cut
Beginning Balance	\$ 2,800,000	\$ 0	\$ 3,800,000
Revenues			
Property Taxes	16,427,000	16,171,581	17,306,108
Other Taxes	8,650,000	8,650,000	9,135,000
Utility Transfer	18,900,000	18,900,000	18,900,000
All Other Revenue	7,009,000	7,009,000	7,740,000
Total Available Funds	53,786,000	53,530,581	56,881,108
Requirements			
General Fund	47,736,981	47,736,981	52,510,679
Hospital Transfer	4,319,000	4,319,000	4,319,000
CIP Transfer	800,000	800,000	800,000
Golf Fund	115,000	115,000	130,000
Ambulance Fund	120,000	120,000	50,000
Total	53,090,981	53,091,981	57,809,679
Additional Appropriations			
Emergency Medical Service System	0	450,000	620,000
Contract Agencies (Gen. Fund Share)		240,000	240,000
Total		53,780,981	58,669,679

	Proposed General Fund Budget	1974-75 With 5.5 Cut	1975-76 With 5.5 Cut
General Fund Budget Cuts	\$ 0	\$ 1,500,000	\$ 1,650,000
		52,280,981	57,019,679
Projected Balance	695,019	1,249,600	(138,571)

Mayor Butler wanted to know if there was anything ill advised about saving as much as possible for the taxpayers this year and next year basing it on the needs. Mr. Reed indicated that there could be a larger cut in taxes this year; but if the taxes were reduced a greater amount this year, the Council would have to restore the full amount of taxes next year. In response to Mayor Pro Tem Love's question, Mr. Reed stated that in order to return to the taxpayer everything that the re-evaluation program produced, this would require a tax cut of 16¢ or \$2,888,000 and would return to the City no increased taxes as a result of inflation. He pointed out that it would be difficult to maintain City services without getting some inflationary income. Mr. Reed added that unless much more severe cuts were made than projected, the 16¢ cut would very likely indicate the necessity of increases in the amount of 16¢ for next year.

In response to Councilman Lebermann's question concerning whether or not the recommended 7½¢ cut could be accomplished by increasing the ad valorem tax exemption for senior citizens by \$2,000, Mr. Reed stated that this could not be done and that each \$1,000 increase in exemptions would equal an increase of approximately ½¢ on the tax rate. Councilman Lebermann pointed out that it had been recommended that the Council provide as much homestead exemption as feasible. Mayor Butler commented that if this were to be raised by \$2,000, it would require \$180,000 of economy somewhere else in the budget to offset it.

In the interest of cutting the budget and reducing the tax structure, the Council took the following action:

1. Upon Mayor Pro Tem Love's request, instructed the staff to present at the Budget Work Session on September 18, 1974, at 9:00 a.m., three alternatives to reach tax rate reliefs of 16¢, 14¢, and 12¢.
2. Upon Councilman Lebermann's request, instructed the staff to present at that time a fourth alternative to reach a 7½¢ tax rate relief and the allowance for an additional \$2,000 for homestead exemption.
3. Upon Councilman Friedman's request, instructed staff to study possibility of budget cuts in some areas while increasing special services contracts from the recommended \$471,000 to \$721,000.
4. Upon Mayor Pro Tem Love's request, instructed staff to study possibility of decreasing special services contracts to \$400,000 to achieve 16¢ tax rate relief.

MS. SHUDE FATH, 1005 Bluebonnet, suggested that the Council appoint a citizens committee to study Austin's electric rates and that it be composed of private citizens representing all views and that it have the assistance of City employees. If the Council should decide to appoint this Committee, she hoped it would declare a moratorium on such misleading statements as the following:

1. If large users have to pay a flat rate, they will install their own power plant.
2. A flat electric rate will not prevent a huge increase in wastewater rates because of new Environmental Protection Agency requirements.
3. A flat rate will increase 40% of Austin's electric bills.
4. Flat rate proponents would adversely affect ongoing actions before the Railroad Commission.

Upon the Council's request, MR. GEORGE F. HESS addressed himself to this issue. He stipulated that no rate could be discriminatory, and he was opposed to a flat rate, per se, that would cut across all classes of customers. He pointed out that some companies' studies had indicated that there was no improvement of load factor as the load grew; and without an improvement in load factor, he had difficulty in justifying a step-down rate once customer costs were recovered.

There was discussion with regard to the fact that eventually there would be an all-electric society, but Mr. Hess emphasized that there should be no promotional rates at present because the idea was to promote conservation. In response to Mayor Butler's question, Mr. Hess stated that without analyzing the City's costs, he knew that a pure, flat rate would be discriminatory because he knew there was some variation in cost. In response to Councilman Friedman's statement that there should be consideration of the economic impact on the individual user, Mr. Hess stressed that one group of customers should not subsidize another.

There was further discussion with regard to whether or not there should be a study conducted, and Mr. Hess commented that rate structure was something that should be kept under constant surveillance to insure that there would be accused of having one group subsidize any other group.

MR. W. A. DARTER, 4101B Louis Lane, appeared in reference to the flat rate. He felt that customers would find themselves later paying more for electric energy than presently.

MS. HELENA HARDCASTLE brought out the following points:

1. She felt that the elimination of the refund contract policy would save the City \$2½ million. She pointed out that it had been recommended that this be phased out within a 9-year period; however, she suggested this be reduced to 5 years.
2. She did not believe the flat electric rate would be unfair.

3. She hoped that the Building Code would be amended to require that every new building be erected with energy conservation in mind.
4. She suggested that some of the present City personnel could be eliminated to help reduce the budget.

DR. CHARLES CLELAND, 3427 Monte Vista, appeared representing the Save Our Lake Organization. He requested that the Lake Austin Development Plan as stipulated in the budget be adopted and not postponed because of development pressures.

MS. FRANCIE BREYFOGLE, President of the North Austin Civic Association, requested that the Council not consider eliminating the Lanier High School swimming pool project from the budget. City Manager Davidson pointed out that the City was about ready to readvertise for bids on this project. Ms. Breyfogle needed some assurance that this would not be cut from the future budget; however, Mr. Davidson noted that because of the additional personnel and other funds that would be required upon the opening of the pool, this was one of the items that had been recommended by the staff for possible deletion.

Councilman Binder asked about the following items contained within the budget:

1. Cookbooks and monthly recipe release.

Mr. R. L. Hancock, Electric Utility Director, stated that these were not absolutely essential. In connection with home service demonstrations, Mr. Hancock indicated that a part of this program had been assisting present and future homemakers in the proper utilization of electric appliances and to assist in questions concerning general home economics activities and centered around conservation. He added that there were programs in cooperation with the school system and facilities available in the Electric Building for those interested. In response to Councilman Binder's comment that this could be an Austin Independent School District function, Mr. Hancock felt this was a customer service that could be eliminated.

2. The \$116,000 contract with the Chamber of Commerce for promotion of conventions and tourism.

He wanted to know whether or not the City would be in compliance with the law if the money were used for the Auditorium.

Mr. Richard Tulk, Assistant City Attorney, indicated that he would have to check on this; but he pointed out that there was a provision for funds used to pay off bonds, but he did not know if it allowed for payment of operated expenses.

Mayor Pro Tem noted that it had been suggested that the City might look at this and see if a limit could be placed on the City's contribution to the Chamber. City Manager Davidson suggested that the staff be allowed to make a recommendation to the Council at the Budget Work Session on September 18, but he felt that a certain percentage of funds were obligated to be spent for the type of activities carried out by the Chamber.

3. The lease agreement with the Chamber for the property.

Mr. Joseph Morahan, Property Management Director, stated that the lease agreement was for 50 years, so that it would expire in 2009; and it had a 9-year option in addition. He estimated the property to be valued at \$4 or \$5 per square foot for a total of about \$150,000 which would be \$15,000 per year. In response to Councilman Dryden's question, City Manager Davidson indicated that this was not an unusual arrangement for a city to have with its Chamber of Commerce. Mr. Davidson felt that it would not be a good idea to approach the Chamber with respect to the contract. He pointed out that one of the reasons there should be a cooperative situation was the cost to the taxpayers, in that if the Auditorium's facilities were not fully utilized, it would become more expensive. Councilman Binder suggested that the Chamber should come to the Council to request funds in the same manner as others.

The Council continued its discussion of the budgets of the various departments:

Vehicle and Equipment Services

It was pointed out that there were an additional 23 employees as well as additional equipment and that the figure included for vehicles also included the cost of gasoline. City Manager Davidson noted that additional appropriations were made toward vehicle replacement so that there would not be an excessive amount of mileage on any one vehicle. Mr. Les Rogers, Division of Vehicle and Equipment Services, felt that this figure that had been requested for Capital Outlay (\$3,004,639) would decrease hereafter.

Building Maintenance

Printing Services

Central Stores

Brackenridge Hospital

City Manager Davidson pointed out that the actual proposed transfer from the General Fund was decreasing a small amount under the proposed budget, and that recommendation was based on the projected rate increase of 17.5% by the Hospital Board, which should be before the Council in a couple of weeks. In response to Mayor Butler's question, Mr. Will Brown, Hospital Administrator, stated that they were recommending 50 new employees and no new beds, for a total of 1,307 employees. Councilman Dryden pointed out that one of the greatest benefits added was the additional people available in the emergency room 24 hours a day.

In response to Mayor Butler's question, Mr. Brown stated that for the past 9-month period, there were uncollected bills in the amount of \$853,000 in Austin and Travis County, of which \$79,759 was for County. Councilman Dryden took this opportunity to mention that he felt the County was not paying its part and suggested that they have a part in the funding of the Emergency Medical Service project. Mayor Butler stated that it had not been scheduled to be used out of the City. He suggested that the City negotiate with the Commissioners beforehand.

In response to Councilman Binder's question, Mr. John Kemp, Executive Director of C.T.M.F. of Travis County Medical Society, stated that the emergency room doctors were paid around \$40,000 and worked basically a 40 to 48-hour week with no other private practices. In response to Mayor Butler's question, Mr. Kemp noted that they utilized the services of about 6 military doctors during peak periods or weekends and were paid \$25 per hour.

In response to Mayor Pro Tem Love's comment that there could possible be savings within this portion of the budget, City Manager Davidson pointed out that the staff would bring back options which would include Brackenridge.

Auditorium and Convention Center

In connection with Councilman Binder's statement that the representatives of Aqua Festival should come before the Council to make their requests for funds, City Manager Davidson stated that this was what their intentions had been. He added that prior to about 2 years ago, this was in no way identified in the budget and that it had started so that the Council would have an idea of what this amount was.

Municipal Airport

Municipal Golf Fund

Community Development

Manpower Training

Ambulance Fund

East Austin Code Enforcement

Utility Fund

Debt Retirement Fund

In response to Councilman Binder's question, Mr. Dick Lillie, Planning Department Director, stated that the fee for zoning permit applications was \$50 per lot with a \$200 maximum. In connection with Councilman Binder's question as to whether or not all permits were being upgraded in line with inflation, City Manager Davidson pointed out the Council would be presented recommendations during the next fiscal year for various areas that could be upgraded. Mr. Joe Liro, Management and Budget Administrator, noted that the increase in zoning application fees had generated about \$1,000,000 a year.

Mayor Pro Tem Love took this opportunity to mention that in reference to the City Employee Magazine, he had been told arrangements had been made to take out advertising for this, thereby making it self-supporting; and there would be a savings of over \$15,000 annually. Mr. Davidson noted that he would present the Council with results of this at the Budget Work Session.

APPOINTMENTS

Mayor Butler announced that the Council had been in an Executive Session earlier that day and that appointments were discussed and were now before the Council for action.

Goals Assembly

Councilman Lebermann moved the Council appoint the following to the Goals Assembly of the Austin Tomorrow Program:

Jay Banks	Rhonda Pantermuehl
Billie Bengston	Jackye Phillips
Marsha Blakeway	Sarah Ann Robertson
Laura Caven	Chris Sanchez
Cliff Collins	W. W. Ware
Jack Frucella	Lewis Watts
Judy Knapp	Larry Williams
Noel Levy	

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman, Handcox

Noes: None

Not in Council Chamber when Roll was called: Mayor Pro Tem Love

ANNEXATION HEARING SET

Mayor Pro Tem Love moved the Council adopt a resolution setting a public hearing at 1:00 p.m., October 3, 1974, to consider annexing the following:

1. 4.99 acres of land out of the John Applegait Survey:
 - a. 3.96 acres, Resubdivision of Lots 1A, 1B, 1C, 1D, 2, 7A and 7B, Cameron Acres. (Requested by Owner, J. B. Hamilton)
 - b. 1.03 acres, portions of Pleasant Lane and Future Drive. (Initiated by City)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

RELEASE OF EASEMENTS

Councilman Lebermann moved the Council adopt a resolution authorizing release of the following easement:

The Drainage Easement ten (10.00) feet in width which traverses Lot 4-C, RESUBDIVISION OF LOTS A & B, OLTORF VILLAGE, SECTION 2 AND LOT 1, OLTORF VILLAGE, SECTION 1, and a portion of LOT 2, OLTORF VILLAGE, SECTION 1, (Requested by Metcalfe Engineering Company, Inc., in behalf of El Ray Hud Ventures, owner of Lot 4-C, and American Guaranty Life Insurance Company, owner of Lot 1)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution authorizing release of the following easement:

The Drainage Easement ten (10.00) feet in width centered on the common lot line between lots 5 and 6 and the common lot line of Lots 11 and 12, W. E. DAVIS SUBDIVISION. (Requested by James D. Jennings, Joe Colvin, Oliver C. Gregg and De Von Wood, owners)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution authorizing release of the following easement:

A portion of a Public Utilities Easement seven and one-half (7.50) feet in width in Lot 4, HIGHLAND HILLS, SECTION TWO, said property also being locally known as 5709 Trailridge Drive. (Requested by Mr. & Mrs. Frank G. Collins, owners of Lot 4 and Mr. & Mrs. Thomas K. Chisholm, purchasers under contract of Lot 4)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution authorizing release of the following easement:

The Blanket Electric & Telephone Easement of record in Volume 680 at Page 23 of the Deed Records of Travis County, Texas, which easement covers the tracts of land to J. B. Beard by deeds of record in Volume 655 at Page 14 and Volume 654 at Page 537 of the Deed Records of Travis County, Texas. (Requested by the Electric Utility Department of the City of Austin)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution authorizing release of the following easement:

A Sanitary Sewer Easement ten (10.00) feet in width which crosses a portion of a 10.83 acre tract of land owned by Mr. William D. Patton and continues across a portion of a 28.45 acre tract of land owned by Mr. Watt Schieffer, said tracts being out of the JOHN APPLGAIIT SURVEY NO. 58, and said easement being of record in Volume 4870 at Page 1776 of the Deed Records of Travis County, Texas. (Requested by Mr. E. D. Blackwell, Design Engineer, Water and Wastewater Department)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

AMENDMENT TO LICENSE AGREEMENT

It was noted that the Council had before it for consideration an amendment to the license agreement with Mr. John D. Byram. In response to Councilman Binder's questions, Mr. Richard Tulk, Assistant City Attorney, noted that

Mr. Byram presently had a license agreement for construction of a wall and wanted to extend it an additional 40 feet. Mr. Sam Perry, representing Mr. Byram, reviewed this further by stating that in 1971 a license agreement was approved to construct a wall; and at the time the license was granted, Mr. Byram did not own the property. He added that the wall had been placed erroneously on the property; and when the City discovered this and instructed that it be removed, Mr. Byram did so. He pointed out that this agreement provided that the City could take the property if needed for the widening of Scenic Drive and provided for rental in the form equal to the taxes. He noted that the addition was needed to complete construction in order to obtain privacy. In response to Councilman Dryden's question, Mr. Perry stated that this was now in compliance with the City's requirements.

Councilman Binder was concerned over the fact that he had not received any support material on this matter.

Motion

Councilman Dryden moved that the Council adopt a resolution amending the license agreement with Mr. John D. Byram. Mayor Pro Tem Love seconded the motion.

Substitute Motion

Councilman Binder moved that this item be forwarded to the Citizens' Board of Natural Resources and Environmental Quality for comment. Councilman Friedman seconded the substitute motion. Roll call showed the following vote:

Ayes: Councilmen Binder, Friedman
Noes: Councilmen Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love
Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the substitute motion failed to carry by a 2 to 4 vote.

Second Substitute Motion

Councilman Binder moved that this item be postponed for 2 weeks. Councilman Friedman seconded the second substitute motion. Roll call showed the following vote:

Ayes: Councilmen Binder, Friedman
Noes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilman Dryden
Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the second substitute motion failed to carry by a 2 to 4 vote.

Roll Call on Original Motion

Roll call on Councilman Dryden's motion, Mayor Pro Tem Love's second, adopting a resolution amending the license agreement, showed the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Mayor Butler

Noes: Councilman Binder

Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the motion had carried by a 5 to 1 vote.

Councilman Binder pointed out that he had voted negatively because of the procedure that had been used in presenting this and not against the extension.

EXTENSION OF AGREEMENT
FOR EDUCATIONAL PURPOSES

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a twelve month extension of an agreement between the City of Austin and Texas Department of Mental Health-Mental Retardation and Austin State Hospital for educational purposes. (October 1, 1974 through September 30, 1975) The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

CONSULTANT SERVICES FOR OIL CONVERSION STUDY

It was noted that the Council had before it for consideration the authorization of consultant services for an oil conversion study of Holly Street and Decker No. 1 Power Plants at an approximate cost of \$200,000 to \$500,000. Mr. R. L. Hancock, Electric Utility Director, noted that the firm of Brown and Root, Inc. had been recommended because they had done the original design work for Decker and fuel oil storage work in conjunction with the expansion of Holly. He stated that in view of their previous experience and familiarity with the plans and in view of the fact they had the original drawings, he felt this would be more economically feasible and time saving. He agreed that this was somewhat of a deviation from normal policy but would be an unusual advantage to Austin in this case.

In response to Mayor Pro Tem Love's observation that there was quite a spread in the cost, Mr. Hancock pointed out that it was very difficult to determine the cost in that part of this study would be a preliminary feasibility study. Mayor Pro Tem Love hoped that the staff would maintain constraints on this cost. In response to Councilman Binder's question, Mr. Hancock stated that Brown and Root's cost would be less than the other engineering firms. He pointed out that their availability of the drawings was not so much an advantage as was the in-house knowledge of the details with many man-hours that had been accrued to Austin's advantage.

Mayor Pro Tem Love moved the Council select the firm of Brown and Root, Inc., for consultant services for an oil conversion study of Holly Street and Decker No. 1 Power Plants at an approximate cost of \$200,000 to \$500,000. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

CONTRACTS AWARDED

Councilman Friedman moved the Council adopt a resolution awarding the following Contract:

LARSON-PUGH, INC.
2415 Exposition
Austin, Texas

- For Drainage Improvements Waller
Creek Slope Protection at the East
First Street Bridge. (C.I.P.
Project No. 7033 3) - \$9,700.00.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Councilman Friedman moved the Council adopt a resolution awarding the following Contract:

EXIDE POWER SYSTEMS
4101 San Jacinto
Houston, Texas

- Substation Battery and Charger for
Electric Department.
Item 1; 2 ea. @ \$935.00
Item 2; 3 ea. @ \$3,451.333
Total \$12,224.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Councilman Friedman moved the Council adopt a resolution awarding the following Contract:

ALAMO MACHINERY COMPANY
946 Coliseum Road
San Antonio, Texas

- Sprinkler Parts for Parks &
Recreation Department.
Items 1-5, 9, 13-29, 31-38,
40-41, 44-48, 52-60 - \$5,758.90.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

LEASE AGREEMENT FOR BRANCH LIBRARY

Councilman Friedman moved the Council adopt a resolution approving a six month lease agreement for Highland Park Branch Library for \$100 per month. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

CONTRACT FOR EMERGENCY FOOD AND MEDICAL SERVICE GRANT

Councilman Friedman moved the Council adopt a resolution authorizing City Manager to enter into a contract with the Texas Department of Community Affairs for a \$12,631.00 Emergency Food and Medical Service Grant for five Community Action Agencies in the Capital Area Planning Region. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

SUBCONTRACT FOR EMERGENCY FOOD AND MEDICAL SERVICES FUNDS

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to subcontract with each of the four (4) Community Action Agencies operating outside Austin-Travis County and within the Capital Area Planning Region 12 for Emergency Food and Medical Services funds received from the Texas Department of Community Affairs. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

GRANT AWARD FOR
TRANSPORTATION FOR ELDERLY PROJECT

Councilman Friedman moved the Council adopt a resolution authorizing acceptance of a grant award of \$16,348 for Transportation for the Elderly project by the Governor's Committee on Aging. (Grant period from July 1, 1974 through December 31, 1974) The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

TEMPORARY ONE-WAY STREETS

Councilman Friedman moved the Council adopt a resolution establishing temporary one-way streets during specific time intervals as a part of the University Stadium One-way streets during specific time intervals as a part of the University Stadium One-Way Plan designed to improve traffic flow before and after all of the University of Texas football games:

1. Temporary One-Way Streets

<u>a. Streets:</u>	<u>From:</u>	<u>To:</u>	<u>Direction:</u>
RED RIVER STREET	15th Street	38½ Street	Southbound
SAN JACINTO BOULEVARD	19th Street	30th Street	Northbound

b. Time Intervals:

<u>From:</u>	<u>To:</u>
5:01 A.M., September 21, 1974	3:00 A.M., September 22, 1974
5:01 A.M., October 5, 1974	3:00 A.M., October 6, 1974
5:01 A.M., October 19, 1974	9:00 P.M., October 20, 1974
5:01 A.M., November 2, 1974	9:00 P.M., November 2, 1974
5:01 A.M., November 29, 1974	9:00 P.M., November 29, 1974

2. Temporary Reversible One-Way Street

<u>a. Street:</u>	<u>From:</u>	<u>To:</u>
MANOR ROAD	Red River Street	Swisher Street

b. Direction and Time Intervals:WESTBOUND

<u>From:</u>	<u>To:</u>
5:01 A.M., September 21, 1974	9:00 P.M., September 21, 1974
5:01 A.M., October 5, 1974	9:00 P.M., October 5, 1974
5:01 A.M., October 19, 1974	9:00 P.M., October 19, 1974
5:01 A.M., November 2, 1974	9:00 P.M., November 2, 1974
5:01 A.M., November 29, 1974	9:00 P.M., November 29, 1974

EASTBOUND

<u>From:</u>	<u>To:</u>
9:00 P.M., September 21, 1974	3:00 A.M., September 22, 1974
9:00 P.M., October 5, 1974	3:00 A.M., October 6, 1974
3:00 P.M., October 19, 1974	9:00 P.M., October 20, 1974
3:00 P.M., November 2, 1974	9:00 P.M., November 2, 1974
3:00 P.M., November 26, 1974	9:00 P.M., November 29, 1974

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilman Binder

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

SPECIAL TRANSIT ROUTES AND FARES

Councilman Friedman moved the Council adopt a resolution establishing special transit routes and fares to be implemented on those days of the University of Texas football home games:

ROUTES:

Route #1 will operate from the Coliseum Parking Lot to the Stadium.

Route #2 will operate from One Highland Center to the Stadium.

FARES:

Fares will be fifty cents per person for a round trip from a parking area to the stadium and return.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

DELETION OF ONE-WAY STREET

Councilman Lebermann moved the Council adopt a resolution deleting the following one-way street:

<u>ON</u>	<u>FROM</u>	<u>TO</u>	<u>DIRECTION</u>
West 29th Street	Hemphill Park	Whitis Avenue	Eastbound

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Dryden, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

TEMPORARY CLOSING OF STREET

Mayor Pro Tem Love moved the Council adopt a resolution temporarily closing San Antonio Street at 4th Street and 4th Street from Guadalupe to Nueces Street for the purpose of parking the pilot train of the American Bicentennial Freedom Train, from 3:00 p.m. September 18 to 3:00 p.m., September 19, 1974. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Dryden, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

ACQUISITION OF LAND FOR
ALAMO PLAYGROUND PROJECT

Councilman Lebermann moved the Council adopt a resolution authorizing the acquisition of 2006 E. 21st Street (Joe Johnson, et ux) for the Alamo Playground Project. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman,
Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

ACQUISITION OF LAND FOR
ST. JOHNS DRAINAGE PROJECT

Councilman Lebermann moved the Council adopt a resolution authorizing the acquisition of certain land for the St. Johns Drainage Project:

7514-7518 Blessing Street (Theo L. Harris, et al)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman,
Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

Councilman Lebermann moved the Council adopt a resolution authorizing the acquisition of certain land for the St. Johns Drainage Project:

7401 Meador (Leroy Ellett)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

Councilman Lebermann moved the Council adopt a resolution authorizing the acquisition of certain land for the St. Johns Drainage Project:

7501 Bethune (Standard Mortgage Company, Inc.)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

ACTION TAKEN ON SUBSTANDARD STRUCTURES

It was noted that the Council had before it consideration of the recommendation from the Building Standards Commission that the Legal Department take proper legal disposition of various substandard structures which had not been repaired or demolished within the required time. Mr. Lonnie Davis, Building Official, appeared and requested that the property of Mr. Mitchel Troy Smith and that of Mr. Robert T. Shorts be given 30-day extensions. Mayor Pro Tem Love moved the Council grant 30-day extensions on the following:

1. 502 (Front) Blackson Avenue - Mitchell Troy Smith
2. 502 (Rear) Blackson Avenue - Mitchell Troy Smith
3. 701 West Annie Street - Robert T.Shorts

and accept the recommendation from the Commission that legal disposition be taken on the following:

1302 Salina Street - Edna N. Turner

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilmen Binder, Handcox

WITHDRAWAL OF CONSIDERATION OF
SPECIAL EMPLOYEE RETIREMENT OF CONTRIBUTIONS

Authorization of refund of special employee retirement contributions made by certain City employees in 1951 and 1952 with interest thereon through December 31, 1973 as recommended by the City of Austin Employees Retirement Boards was withdrawn.

CASH SETTLEMENTS

Councilman Dryden moved the Council adopt a resolution authorizing cash settlement as follows:

DRIVER-PATTON - For 60/40% cash settlement for water and wastewater installations for the Hartford Road Subdivision. Total cost \$4,493.00. City's share at 60% \$2,695.80; Developer's cost at 40% \$1,350.00.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: Councilman Friedman

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

Councilman Dryden moved the Council adopt a resolution authorizing cash settlement as follows:

MYERS K. PARSONS - For 60/40% cash settlement for water and wastewater installations at Pleasant Valley, Section 3. Total cost \$825.00. City's share at 60% \$495.00; Developer's cost at 40% \$150.00.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: Councilman Friedman

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

HEARING SET FOR CHANGE OF ZONING

Councilman Friedman moved the Council set a hearing for 1:00 p.m., October 3, 1974, for a change of zoning as follows:

CLEAR CREEK PROPERTIES, INC. C814-72-016	6800-7200 Meadow Lake Boulevard (proposed)	From Interim "A" Residence, Interim 1st Height and Area To PUD
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The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilmen Handcox, Binder

DISCUSSION OF CREEK ORDINANCE

It was noted that Mr. William A. Gauntt had requested to appear before the Council to discuss the creek ordinance. Mrs. Gauntt appeared in his stead and stated that a permit had been issued to Austin Savings and Loan in an area of Walnut Creek, and they were informed there could be no appeal of the Planning Commission's decision. She made the following requests:

1. Council help to clarify the intent of the ordinance.
2. Council recommend that a citizen not be denied right to appeal.

Mr. Richard Tulk indicated that the Planning Commission's decision was final in that it was a State law that all matters pertaining to subdivisions were final. He suggested that her solution would be to attempt to have the Commission reconsider. Mr. Charles Graves, Director of Engineering, pointed out that the permit had already been issued.

City Manager Davidson requested that Mrs. Gauntt get in touch with his office to set up a meeting, and he made the following comments:

1. Some people would be flooded if this work is not done.
2. With the permit in hand, the applicant has certain rights.

Councilman Friedman noted that the Council's intent had been to protect the waterways and creeks of Austin. Mr. Davidson added that this was only within the extent of Austin's authority and that there was a limit to its enforcement outside the limits. He pointed that the portion of the Creek in question was outside the corporate limits.

Councilman Lebermann took this opportunity to request that an item be placed on the agenda at a later date for some public discussion relating to the creek ordinance.

REQUEST FOR RESERVATION OF AUDITORIUM SHORES ON TOWN LAKE

Mayor Pro Tem Love moved the Council approve a request by Mr. Joe Marks, President of South Austin Lions Club, for reservation of Auditorium Shores on Town Lake for April 5 and 6, 1975, for its Annual Lions Arts and Crafts Charity Show and an alternate date of April 12 and 13, 1975, at the same location in case of inclement weather. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Mayor Pro Tem Love,
Council men Binder, Dryden
Noes: None
Not in Council Chamber when Roll was called: Councilman Handcox

REQUEST FOR PARADE PERMIT

Mayor Pro Tem Love moved the Council approve a request for a parade permit by Mr. Edward J. Kurburski for Veteran's Day Parade on November 11, 1974, from 6:30 p.m. to 8:00 p.m., beginning on Second Street down Congress to the State Capitol. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

HEARING SET ON MODIFICATION OF RESTRICTIVE COVENANT ON DEVELOPMENT

Councilman Friedman moved the Council approve a request by Mr. Bob Thomas, representative of Jones-Lake Company, by setting a hearing for September 19, 1974, at 4:00 p.m. on a modification of a restrictive covenant placed on a development known as The Creeks Apartments, 1901 U.S. Highway 183 East. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

REFUND CONTRACTS - FIRST READING

Mayor Butler introduced the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH WOODSHADOWS APARTMENTS, LTD.

The ordinance was read the first time, and Mayor Pro Tem Love moved that the ordinance be passed through its first reading only. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilman
Dryden

Noes: Councilmen Friedman, Binder

Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the ordinance had been passed through its first reading only.

REFUND CONTRACT - SECOND READING

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH GLENN W. CASEY CONSTRUCTION COMPANY, INCORPORATED.

The Ordinance was read the second time, and Mayor Pro Tem Love moved that the ordinance be passed through it second reading only. The motion, seconded by Councilman Dryden, carried by the following vote:

- Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilman Dryden
- Noes: Councilmen Binder, Friedman
- Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the ordinance had been passed through its second reading only.

PROHIBITING TRUCKS AND BUSES FROM UTILIZING CONGRESS AVENUE BRIDGE

Mayor Butler introduced the following ordinance:

AN ORDINANCE CLOSING THE CONGRESS AVENUE BRIDGE TO CERTAIN TYPES OF VEHICULAR TRAFFIC; PROVIDING PENALTIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

- Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann
- Noes: None
- Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 11, BLOCK "A," NORTH PLAINS ADDITION, LOCALLY KNOWN AS 7904 BROCKMAN STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Daniel Edwin Lambert, C14-74-008)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Mayor Butler announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 1, FOODMAKER SUBDIVISION (SAVE AND EXCEPT THE SOUTH TWENTY-FIVE FEET WHICH SHALL REMAIN ZONED "O" OFFICE DISTRICT), LOCALLY KNOWN AS 1801-1807 BEN WHITE BOULEVARD AND 4400-4404 RUSSELL STREET, FROM "LR" LOCAL RETAIL DISTRICT AND "O" OFFICE DISTRICT TO "GR" GENERAL RETAIL OFFICE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Cecil E. Heard, J. E. Shuler and Kenneth E. Lane, C14-74-128)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT "C," CHESLEY BAITY ADDITION, LOCALLY KNOWN AS 4327 SOUTH FIRST STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Mrs. Freddie Ross Downs, Independent Executrix of the Estate of H. D. Downs, C14-74-105)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

REPORT ON SUBDIVISION PARTICIPATION POLICIES

It was noted that the Council had before it the Task Force Committee report on Subdivision Participation Policies. Mr. Jim Miller introduced 9 of the 11 members of the Committee. Councilman Friedman commented that it was his opinion the refund contracts should be phased out in less time than recommended. It was the opinion of the Council that the Committee had done an excellent job and thanked them for many hours of work.

Councilman Friedman took this opportunity to read a letter from Mr. Mack Kidd, one of the members, who made the following comments:

1. He felt that the recommendation for elimination of refund contracts over a 9-year period was too long.
2. He pointed out that the summaries and conclusions in the report were consensus opinions and should not be considered by the Council as the unanimous opinion of all members.
3. He was disappointed that factual information that was generated by the Committee had not been fully included within the report.

Councilman Friedman moved the Council accept the report and instruct the City Attorney to bring back the appropriate ordinance. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler,
Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

ADJOURNMENT

The Council adjourned at 6:35 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk